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November 15, 2019

*Via ECF*

Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

Re: *Moskovics v. Metropolitan Life Insurance Company*  
Civil Action No. 1:18-cv-09684-KPF

Dear Judge Failla:

This office represents defendant Metropolitan Life Insurance Company (“MetLife”) in the above-referenced matter. With the consent of counsel for the Plaintiff, we write to respectfully request that the deadline for completion of discovery in this case be adjourned from December 16, 2019 to February 14, 2020, and that the initial pretrial conference be adjourned from January 13, 2020 to a date after February 14, 2020.

MetLife had previously requested adjournment of the deadline for completion of discovery because the undersigned counsel for MetLife had an angioplasty, with a stent being placed due to a critically obstructed coronary artery, and had to take time off from work for recovery. Having returned to the office, I now have a number of oral arguments on dispositive motions scheduled for November and December, including several oral arguments in December in Utah. Therefore, my work travel schedule would not allow completion of discovery in this case by the current deadline of December 16. In addition, counsel for the Plaintiff has advised that his wife is expected to give birth in the second half of January. For all the foregoing reasons, it is respectfully requested that the deadline for completion of discovery in this case be adjourned to February 14, 2020 and that the initial pretrial conference be adjourned to a date after February 14, 2020.

This is MetLife’s third request for adjournment of the deadline for completion of discovery and fourth request for adjournment of the initial pretrial conference. There are no other scheduled dates that are affected by the requested adjournment.

Respectfully submitted,

/s/Michael H. Bernstein

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cc: Samuel Karpel (counsel for Plaintiff, via ECF)

Fact discovery in this matter was originally ordered to conclude on or before July 29, 2019. (Dkt. #15). On July 25, 2019, the parties requested that fact discovery be adjourned to August 22, 2019, to allow two additional depositions to occur in August. (Dkt. #31). The Court granted the parties' application, but advised them that "[n]o further applications for extensions of the discovery deadline will be considered or granted." (Dkt. #32). On August 21, 2019, Defendant requested that the discovery deadline be further extended to October 21, 2019, in light of a health emergency in Defendant's counsel's family. (Dkt. #33). The Court granted Defendant's request. (Dkt. #34). On September 19, 2019, Defendant requested that the discovery deadline be extended yet again, to December 16, 2019, in light of the fact that Defendant's counsel had undergone surgery. (Dkt. #35). The Court granted this extension as well. (Dkt. #36).

Now Defendant requests yet another extension of the discovery deadline, to February 14, 2020, nearly seven months after the original discovery deadline. Defendant's application is DENIED. As of July 25, 2019, the parties indicated that the only outstanding discovery was a production of documents from Plaintiff, to be completed by July 31, 2019, and two depositions. (Dkt. #31). The Court understands that multiple health-related events may have inhibited Defendant's counsel from completing the two remaining depositions in August. Given counsel's representation that he has returned to work, the Court believes that more than sufficient time remains for the depositions to be completed before December 16, 2019. Defendant has not identified any other discovery which remains to be completed.

Dated: November 18, 2019  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE